



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

SDMS Document ID



1012661

OCT 10 2005

Ref: 8ENF-RC

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Frank Edwards Trust  
Robert F. Edwards  
1565 Adrian Road  
Burlingame, CA 94010

Re: First Request For Information  
Pursuant To Section 104 of CERCLA  
For the Vermiculite Intermountain Site  
(#08-GA) in Salt Lake City, UT

Dear Current or Past Trustees:

The United States Environmental Protection Agency (EPA) is currently investigating and taking a response action(s) relating to the source, extent, and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or around 333 West 100 South, Salt Lake City, Utah (the Site), hereinafter referred to as "the Site". This investigation requires inquiry into the identification, nature and quantity of materials that have been or are generated, treated, stored or disposed of at, or transported to, the Site. It has come to EPA's attention that your Trust owned property on or immediately adjacent to this address.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosures 1-4, attached hereto.

Compliance with the Information Request set forth in Enclosures 1-4 is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties up to \$32,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.



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Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 4.


Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency  
Kelcey Land, Enforcement Specialist  
Technical Enforcement Program, 8ENF-RC  
999 18th Street, Suite 500  
Denver, Colorado 80202-2466

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct questions to Matthew Cohn, Attorney, Legal Enforcement Program at (303) 312-6853.

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher, Director  
Technical Enforcement Program,  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: Matthew Cohn, ENF-L  
Joyce Ackerman, EPR-PAER  
Kelcey Land, ENF-RC



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK EDWARDS TRUST  
ROBERT F EDWARDS  
1565 ADRIAN ROAD  
BURLINGAME CA 94010

EAPRC A

NOV 14 2005

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 2260 0002 0351 5127

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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Postage \$

Certified Fee

Return Receipt Fee  
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(Endorsement Required)

Total Postage &amp; F.

Postmark  
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Sent To

FRANK EDWARDS TRUST

Street, Apt. No.,  
or PO Box No.

ROBERT F EDWARDS

City, State, ZIP+4

1565 ADRIAN ROAD

BURLINGAME CA 94010

PS Form 3800, June 2002

See Reverse for Instructions

7003 2260 0002 0351 5127

**ENCLOSURE 1**  
**VERMICULITE INTERMOUNTAIN (#GA)**  
**FIRST INFORMATION REQUEST**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. **You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 USC 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC 6927(b), and 40 CFR 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.**



**ENCLOSURE 2**  
**VERMICULITE INTERMOUNTAIN (#GA)**  
**FIRST INFORMATION REQUEST**  
**DEFINITIONS**

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, agents, subsidiaries, affiliates and predecessors-in-interest.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "the Site" or "the Facility" for purposes of this Information Request shall, include the Vermiculite Intermountain site at or near 333 West 100 South, Salt Lake City, Utah.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004 (27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous materials" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.



10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any and a brief description of its business.

12. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or subject matter.

13. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutant or contaminant.

14. The term "document" and "documents" shall mean any writing, recording or stored information including, but not limited to, hard copy and computer document files.

15. The term "arrangement" means every separate contract or other agreement between two or more persons.

16. The term "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

17. The term "property interest" means any interest in property including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned and rented property, and any interest as either the trustee or beneficiary or trust that owns or rents property.

18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.



**ENCLOSURE 3**  
**VERMICULITE INTERMOUNTAIN (#GA)**  
**FIRST INFORMATION REQUEST**  
**QUESTIONS**

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Provide a list of all property and casualty insurance policies (e.g., Comprehensive General Liability, Environmental Impairment Liability, Director and Officers policies) relevant to the Site for the period of 1900 through present. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.
5. Provide copies of financial statements, reports, or projections prepared by, for or on behalf of the Respondent for the past five years, whether audited or unaudited, including, but not limited to, all those filed with the Securities and Exchange Commission, State agencies, and all financial institutions such as banks.
6. Identify all persons who may be responsible for the potential liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to predecessors and successors.
7. State the date that you acquired the property/properties in question and identify the person(s) from whom you acquired the property. Please furnish copies of deeds, leases, or other legal documents by which you acquired each property interest.
8. If you shared ownership in any parcel of property at the Site with another person, provide the name, address, and telephone number of that person and describe the nature of their interest in the property.
9. Prior to acquiring the property that you own at the Site, did you conduct or have conducted on your behalf, any physical inspection of the property, such as a Phase I or Phase II audit in accordance with ASTM standards? If so, describe that inspection and provide copies of any and all documents that report the findings of such inspection.



10. Describe what you knew about environmental conditions on the property at the time of your purchase, and what you knew about previous uses of the property at the time you acquired it.

11. For all property interests that you identified in the previous question that you have subsequently sold, transferred, or otherwise conveyed:

- a. Provide the date of each such sale, transfer, or conveyance.
- b. Describe the property sold.
- c. Identify the person who acquired the property.
- d. Provide a copy of any and all documents including deeds and contracts that describe the terms and conditions of the transactions.

12. Was any business activity conducted on the property while you owned it? If so, describe the nature of that business activity, identify the persons that conducted the activity, and state when such activities occurred.

13. Were any changes made to the property while you owned it? Changes for purposes of this question include building structures, walls, access roads, grading, recontouring, landscaping, removing structures, removing rock or soils, adding fill, or similar actions? If yes, please describe the changes made.

14. Describe all steps that you have taken to eliminate or reduce the risks associated with human exposure to hazardous substances on your property.

15. Did you lease any of the property you own at the Site to another person? If so, identify that person, describe their use of the property, and provide the time period covered by the lease. Provide copies of documents, including the leases in question, that identify the parties to the leases and describe the terms and conditions of those leases.

16. Describe how any facilities associated with the vermiculite exfoliation and/or processing facility at the Site (including buildings, flues, and stacks) were demolished.

17. When were those facilities demolished?

18. Identify the persons responsible for the demolition including any and all contractors hired to perform the work and those persons who made arrangements for the demolition.

19. Describe and provide documents describing the results of any studies conducted related to environmental conditions in and around those facilities before they were demolished. The includes any efforts to detect the presence of asbestos at or in those facilities.





20. Describe all steps taken to prevent the release of hazardous substances during the demolition of those facilities.
21. Describe any air quality monitoring that was conducted at the Site during the demolition of those facilities and provide documents that show the results of that monitoring.
22. Describe how the debris resulting from the demolition was disposed of and identify the location of that disposal.
23. Does the Frank Edwards Trust that owned property at the Site continue to exist? If yes, identify the current trustees of that trust.
24. If the Frank Edwards Trust that owned property at the Site no longer exists, describe the circumstances of its termination, describe how the assets of the trust were distributed, and identify any successor trust or entity that was formed to take its place.
25. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



**ENCLOSURE 4**  
**VERMICULITE INTERMOUNTAIN (#GA)**  
**FIRST INFORMATION REQUEST**

**NOTARIZED CERTIFICATE**

I, \_\_\_\_\_, having been duly sworn and being of legal age, hereby  
state:

1. I am the person authorized by the Frank Edwards Trust to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Vermiculite Intermountain Site near Salt Lake City, Utah.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

\_\_\_\_\_  
(Signature) (Name, Title)

(SEAL)

Subscribed and sworn to me  
this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_  
My address is \_\_\_\_\_  
\_\_\_\_\_

